

IN The DISTRICT COURT of The UNITED STATES
middle DISTRICT of ALABAMA

Billy GAY A115
v
MIDDLE DISTRICT OF ALABAMA

Gwendolyn mosley

3:05-cv-1228-MEF

Petitioner's APPEAL of magistrates
CLEARLY ERRONEOUS ORDER (doc 50)

INTO this COURT come Billy A115 (A115) by AND THRU
himself AND does now APPEAL the CLEARLY ERRONEOUS
ORDER BY MAGISTRATE WALKER (doc 50) WHEREIN SHE
AGAIN does IGNORE CLEARLY ESTABLISHED FEDERAL
LAW + STATUTES 28 USC § 2249 WILLIAM-V-TAYLOR
359 US 362

ON APPLICATION FOR WRIT OF HABEAS CORPUS TO
INQUIRE into detention of ANY PERSON to A
JUDGMENT OF A COURT OF THE UNITED STATES,

The Respondants Shall Promptly File
With the Court Certified Copies of The
Indictment Plea of Petitioner's And the
Judgment or such of there as may be material
To the question If Petitioner Fail to Attach
Them to HIS Petition And Shall Attach To the
Return to the Writ or to the Answer to Show
CAUSE.

See HAMPTON-V-WYRICK 588 F 2d 632, 592 ed 2d 497
 ALSO BUNDY-V-WAINWRIGHT 808 F 2d 1410; TOWNSEND-V-SAIN 372 US 292, 9 Led 2d 770 " ALSO see 28 USC § 2254
 Rule 5 GOVERNING HABEAS CORPUS PROCEDURE";

Clearly The Erroneous Action by WALKER is a gross
Violation of The Clearly Establish Federal Laws and
Statutes, Plus an Abundantly Clear Attempt to Aid
And Abet the Circuit Court of Randolph County and
the Respondent to Keep A11S in Prison without a valid
Showing of Probable Cause other than a BARE Bones
Claim without a valid Showing of Documented
Evidence that A11S has ever been indicted by a
GRAND JURY Clearly Violating The Constitutions of
both the United States and the state of Alabama in
the 5th & 14th Amendment in the Due Process Right
Clause; and art 1 § 8 Al Const of Al. That [No person
shall be tried or convicted of any capital crime,
without being first indicted by the GRAND JURY]
Clearly as of this date the Circuit (trial) Court of
Randolph County (Judge Rity Martin) Refuses
to submit a copy of The Alleged Indictment,
To Any Court see Exhibit Attached To A11S
Motion to Amend.

There fore if The TRIAL COURT is Allowed to defy the
Clearly Established Federal LAWS and statutes AS
Well AS the U.S. And State Constitutional Right
of Alls by And Thru WALKER Clearly Erroneous
And Biased denial of Alls motion to compel
Respondent to comply with the Clearly Established
Federal LAWS.

Than How can this court CLAIM to be a court of
Law.

See Smith -v- McCOTTER 786 F2d 697 the failure to
SERVE AN indictment.

Clearly with a Review of the CASE RECORD Filed by
Respondents Attorney with this COURT and also
With the APPELLATE COURT of ALABAMA CR-05-1953
ALSO PURSUANT to the U.S. COURT of APPEAL 11th
CIRCUIT with in Bundy SUPRA.

Let the Record SPEAK FOR it self AS to it substantiaL
value?"

Clearly The Respondent have Failed To submit any
VALID PROOF to Dispute Alls CLAIM of ACTUAL AND
FACTUAL INNOCENT clearly The TRIAL COURT Judge
RAY martin Flat Refusal to submit a copy of AN
indictment to the STATE APPELLATE COURT ! see
Exhibit Attached to Alls motion to Amend is a
Violation of both STATE and FEDERAL LAW see

Peterson -v- STATE 842 So 2d 735

CLEARLY THE VERY FACT THAT RESPONDENT FAILED (REFUSED)
TO COME FORTH WITH DOCUMENTED PROOF THAT AII'S WAS
EVER INDICTED BY THE RANDOLPH COUNTY GRAND JURY IN
1990 CLEARLY UPHOLD AII'S CLAIM THAT THIS CONVICTION
IS A GROSS MISCARRIAGE OF JUSTICE DUE TO THE
COERCED PLEA OF GUILTY TO THE ALLEGED CHARGE OF
CAPITAL MURDER "EC-90-07"

AII'S ENTERED HIS PLEA DUE TO THE DEFENSE ATTORNEY
Tom Jones TELLING HIM THAT THE STATE PLANNED TO
CONVICT HIM AND EXECUTE HIM.

AII'S DID NOT APPEAL DUE AGAIN TO THE THREAT OF
THE DEATH PENALTY MADE BY JUDGE SEGREST WHEN HE
PRONOUNCED SENTENCE.

AII'S NOW APPEALS WALKER ERRONEOUS AND BIASED ORDER
TO THE HON JUDGE FULLER. IN HIS SEARCH FOR JUSTICE
AII'S ALSO HAS INSTITUTED AN INQUIRY BY THE 11TH
CIRCUIT EXECUTIVE COUNCIL IS TO WALKER ACTION HEREIN.

Executed 4-9-07

CC Res Att.

CC File

Respectfully Submitted
Billy AII
Billy AII 161437 Prese



Billy A/S
Easterling C.F.
200 Wallace Drive
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D-1-18A

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